

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3688

In re

Patent Application of

Martyn Ian Butterworth

Application No. 09/858,174

Confirmation No. 1570

Filed: May 15, 2001

Examiner: Jean D Janvier

"IMPROVEMENTS RELATED TO
TELECOMS"

I, Dorothy Hauser, hereby certify that this correspondence is being electronically filed on the United States Patent and Trademark Office's EFS-web with the Commissioner for Patents on the date of my signature.


Signature

June 15, 2010
Date of Signature

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
WITH CORRECTED CLAIMS APPENDIX**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Non-Compliant Appeal Brief (the "Notification") dated June 11, 2010 and is filed within the one-month period for response. In the event Applicant has overlooked the need for an extension of time, please consider this a request for the same. Please charge any fee associated with this communication or credit any overpayment to Deposit Account No. 13-3080.

The present communication includes a Corrected Claims Appendix to correct discrepancies in the Appeal Brief filed May 7, 2010, and, as provided in the Notification, only the Corrected Claims Appendix is required. In the Corrected Claims Appendix, independent claims 1 and 18 (and claims 4-8 and 19-25) are in the form presented in the last entered Amendment, filed November 9, 2009.

In view of the foregoing and in view of the earlier-filed Appeal Brief, Applicant respectfully requests that the Board reverse the rejections under 35 U.S.C. § 102(b) and 103 and pass the application to allowance.

If consultation with Applicant's attorney will further prosecution, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

/Edward R. Lawson Jr./

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CORRECTED CLAIMS APPENDIX

1. A method for transmitting pre-recorded images using telecom networks, the method comprising the steps of: detecting when a telecommunications apparatus is used by a caller to send a message to a recipient, establishing a connection with a telecommunications apparatus of the recipient, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text, and if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated.

4. The method of claim 1, wherein a message to be transmitted to the recipient from the caller is a mixed media audio/video message and, wherein a supplementary image is presented for viewing to the caller prior to connection between caller and recipient being established or prior to transmission of the message from the caller.

5. The method of claim 1, wherein the image has at least one of an advertising content, an information content, or a combination thereof.

6. The method of claim 1, wherein a supplementary image is presented for viewing to the caller prior to connection between caller and recipient being established.

7. The method of claim 1, wherein supplementary images are conveyed only to telecom system users who have indicated a willingness to receive such images.

8. The method of claim 1, wherein supplementary image insertion is available to all network service providers.

18. Apparatus for transmitting pre-recorded images using telecom networks, whereby when telecommunications apparatus is used by a caller to send a message to a recipient, a supplementary image is visually transmitted from messaging equipment to the caller in addition to, or to replace, conventional connection messages, wherein the apparatus comprises: means for detecting a signal on a telecom system indicating that there is an incoming message transmission; means for establishing a connection with a telecommunications apparatus of the recipient; and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then the means for responding to this detection and connection replacing the supplementary image by connection message text, and if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, then the means for responding to this detection and connection terminating transmission of the supplementary image.

19. The apparatus according to claim 18, wherein the apparatus is arranged to insert a supplementary image or images into the message and relay the message with inserted supplementary image(s) to a recipient.

20. The apparatus of claim 19, wherein in the case of text messaging the supplementary image(s) is/are inserted in a part of a message from the caller and will be visible to the recipient on retrieval of the text message.

21. The apparatus of claim 18, wherein a message to be transmitted to the recipient from the caller is a mixed media audio/video message and, wherein a supplementary image is presented for viewing to the caller prior to connection between caller and recipient being established or prior to transmission of the message from the caller.

22. The apparatus of claim 18, wherein the apparatus comprises cellular/wired telecommunications systems and other terrestrial or satellite transmissions, or email transmission systems capable of receiving text messaging.

23. The apparatus of claim 22, wherein the telecommunications system is configured so as to convey such supplementary images only to system users who have indicated a willingness to receive such images.

24. The apparatus of claim 18, wherein the supplementary image also has an audible message associated with it and transmitted to the caller during a predetermined time period.

25. The apparatus of claim 24, wherein the predetermined time period is selected by an advertising organisation.